

# PARKER IBRAHIM & BERG LLP

October 28, 2022

**VIA ECF**

The Honorable Robert W. Lehrburger, U.S.M.J.  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007-1312

**Re: *Therabody, Inc. v. Tzumi Electronics LLC, et al.***  
**Civil Action No. 1:21-cv-07803-PGG**

Dear Judge Lehrburger:

This firm represents Plaintiff Therabody, Inc. ("Therabody") in the above referenced patent litigation. Pursuant to the Civil Case Management Plan and Scheduling Order, So-Ordered on May 5, 2022 (the "Scheduling Order") (Dkt. # 51), Therabody and Defendant Tzumi Electronics LLC ("Tzumi") (together, the "Parties") hereby submit a joint status letter.

The following activities have taken place since the Parties' August 29, 2022 joint status letter:

- On September 20, 2022, the Parties filed briefs for Tzumi's Partial Motion to Dismiss Certain Willful Infringement Claims from the Second Amended Complaint. Dkt. Nos. 84-87.
- On October 17, 2022, the Court set oral argument on Tzumi's Motion for Partial Summary Judgment of Non-infringement (Dkt. Nos. 67-74) for November 16, 2022 at 2:30 pm.
- On October 20, 2022, the Parties exchanged an identification of claim terms for construction.
- On October 27, 2022, the Parties exchanged proposed constructions and an identification of the relevant portions of the infringement and invalidity contentions.

**Discovery Status:** The Parties previously exchanged and responded to written discovery demands, and have served initial document productions.

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We thank the Court for its assistance in this matter.

Respectfully submitted,

*/s/ Diane C. Ragosa*

Diane C. Ragosa

cc: Scott D. Stimpson (via ECF)  
Katherine M. Lieb (via ECF)  
Steven Z. Luksenberg (via ECF)